

Civil Minutes

Time Set: 10:30 a.m.
 Start Time: 10:31 a.m.
 End Time: 12:34 p.m.

<u>Joann Wright Haysbert</u>	Civil Case Number:	<u>4:20cv121</u>
(x) Plaintiff () Government	Date:	<u>6/15/2021</u>
vs.	Presiding Judge:	<u>Douglas E. Miller</u>
	Court Reporter	<u>Jody Stewart, OCR</u>
<u>Bloomin' Brands Inc., et al.</u>	Courtroom Deputy:	<u>C. Dodge</u>
Defendant(s)		

Proceedings: Matter came on for hearing on pending motions (#42 For Sanctions, #71 For Protective Order, #73 For Sanctions, #78 To Quash, #81 To Quash, #84 To Terminate Deposition, #86 To Quash, #88 To Quash, #90 To Compel, #92 For Extension of Deadlines, #98 For Sanctions, #100 To Quash, #103 Supplemental Motion to Compel, and #104 To Compel.

Present via zoom were David McElvey and Nazareth Haysbert on behalf of the plaintiff and Nicholas Lawrence on behalf of the defendants.

Court takes up each of the pending motions and makes rulings on some. As to motion 42 and 98 there will be a written order entered.

After argument by the parties the following rulings were made on the record.

The Court GRANTED #71 Motion for Protective Order and precluded the depositions as To Liz Smith, David Deno and Jeff Smith without prejudice to arguments that are made in other matters pending with respect to other individuals at both entities.

The Court DENIED motion #73 for Sanctions after finding no violation of the Courts discovery order.

The Court GRANTED #90 Motion to Compel. The Court indicated that the terms in the defendant's Order (91-1) were fine. The parties were directed to confer and agree on a date for an IME within 7 days from the date of the hearing on June 15, 2021.

The Court GRANTED IN PART AND DENIED IN PART # 100 Motion to Quash.

The Court narrowed the dates of the subpoena to limit the requests for information to between May 2017 to present and excluded categories 4,6,9 and 10.

The Court GRANTED #78, 81, 86 and 88 Motions to Quash for the reasons stated on the record.

The Court DENIED #103 Motion to Compel and Motion for Sanctions for the reasons stated on the record.

The Court GRANTED #84 Motion to Terminate Deposition of Lisa Crosby.

The Court will allow supplemental or additional deposition of Lisa Crosby or, if it is determined from that deposition that she has relevant information,

the Court would entertain a request to permit a deposition of her in addition to the deposition of the person that the defendant is being directed to produce.

The Court GRANTED IN PART AND DENIED IN PART #92 Motion for Extension of Expert Discovery Deadlines and #104 Motion to Compel Depositions. The Court extended the discovery deadline as the discovery regarding the work order may implicate the plaintiff's experts report.

The defendants are directed to produce a witness most knowledgeable regarding the work order, within ten days, identify that witness, then confer with the plaintiff's counsel regarding a deposition, which should not take more than 2 hours to understand what the work order related to, what condition the floor was being referred to and the extent of any other witnesses knowledge, information related to the repairs that were apparently completed in November 2018. This deposition should take place within thirty days.

The liability expert report deadline is extended 45 days. The defendants responsive liability disclosure is due within 21 days of getting plaintiffs liability experts.

The defendants medical will be due within fifteen days of the IME being concluded.

The Court granted plaintiff a seven day extension for medical experts.

The Court will issue a written opinion as to #42 Motion for Sanctions and #98 2nd Motion for Sanctions.

Hearing adjourned.
